

Approved 7/19/02

U.S. Environmental Protection Agency
Science Advisory Board
Executive Committee
Policies and Procedures Subcommittee (PPS)

Summary Minutes of Public Teleconference
Date: June 8, 2002

Committee Members: (See Roster - Attachment A.)

Date and Time: 10 am to 11 am, June 8, 2002 (See Federal Register Notice - Attachment B).

Location: Ariel Rios North, Conference Room 6013

Purpose: The purpose of this public teleconference meeting was to: (a) consider public comment received and SAB Member and Consultant comment received on a draft document, *Overview of the SAB Panel Formation Process*, approved by the executive Committee in March 2002 and 2) identify next steps for the PPS, given the Federal Register Notice inviting suggestions for additional guidance to be developed by the Board, and email communications to contacts in environmental groups soliciting their input.

Attendees: Chair: Dr. Henry Anderson;

Panel Members: (Executive Committee Members) Dr. Dominic Grasso and Dr. William Smith

EPA SAB Staff: Dr. Angela Nugent, [Designated Federal Officer (DFO) for the Panel], Ms. Betty Fortune (Management Assistant for the Panel),.

Other Persons Attending: Mr. Steven Knott (EPA) and Mr. James Behrman by teleconference (from the California Air Resource Board, State of California; identified himself to the DFO after the meeting).

Meeting Summary:

The discussion generally followed the issues as presented in the meeting Agenda (see Meeting Agenda - Attachment C). The teleconference lasted until 12:00 pm. There was one written comments submitted to the Committee, and there was no written request to present public comments during the discussion.

Welcome and Introductions - Dr. Henry Anderson, the Chair, opened the session at 11:05 am welcoming panel members (Roster, Attachment A), and reviewed the agenda (Attachment C). Dr. Angela Nugent, DFO took roll.

Discussion of Public Comment Received . The PPS noted that there had been only one public comment in response to the Federal Register (FR) Notice, from the American Chemistry Council (ACC). Given the lack of response, the PPS concluded that the draft *Overview* document had been generally positively received and that the Board should proceed to publish it

in final format.

The PPS then considered the ACC comments. A future focus for guidance might be development of the charge and the public's ability to comment on the charge. PPS members noted that it might add value to get public comment, but the Agency "should have the privilege" of deciding the questions it will ask the Board. An FR notice could list a preliminary change for comment. The PPS then noted ACC's comment on CASAC. The DFO noted that the Chair of CASAC was interested in this comment and said that he would respond at an appropriate time. The Panel then turned to ACC's discussion of incorporating questions about prospective panel member's bias and points of view in the new confidential financial disclosure form developed by EPA. The DFO provided some background on this issue. SAB Staff had consulted with the Agency's General Counsel and the Office of Government Ethics. Those authorities had advised that the form, developed under the authority of the Ethics Statute, could not collect information that did not have a link to financial conflict of interest. They prohibited the Staff from including information about bias and points of view. The Staff, however, agreed that it was important to use a well-defined process for collecting and assessing information about bias and point of view, as part of carrying out its responsibilities for forming balanced panels, as mandated by the Federal Advisory Committee Act. The Staff have developed a standard set of questions to ask of all prospective panelists. These questions are:

1. Have you had any previous involvement with the review document(s) under consideration, including authorship, collaboration with the authors, or previous peer review functions? If so, please identify that involvement.
2. Have you served on previous advisory panels or committees that have addressed the topic under consideration? If so, please identify those activities.
3. Have you made any public statements (written or oral) on the issue? If so, please identify those statements.
4. Have you made any public statements that would indicate to an observer that you have taken a position on the issue under consideration? If so, please identify those statements.

SAB Staff have developed a process for asking the questions, recording the answers, and factoring the responses into the overall determinations about balance on the Panel.

The PPS member asked the DFO to include this information in the minutes and send a copy of the minutes to the ACC.

Update on SAB Staff Activities and Plans. The DFO reported on progress made on PPS-related items since the PPS planning teleconference call in April. The Office of Government Ethics has approved the new financial disclosure form. It is available now in a fillable PDF format and will be used as part of panel formation for the new Metals Assessment Panel. The National Academy of Sciences has given the Board formal permission to reproduce, extract and use the booklet "Roles of the Panel Chair" that the PPS had viewed as a good model for SAB

Staff.

Since the arrival of the new SAB Staff Director Dr. Vanessa Vu, the Staff Office has made several plans regarding staff office policies and procedures. The Staff Office is planning to meeting with a subcommittee of the Agency's Science Policy Council to get suggestions for priority areas for guidance. SAB Staff will then meet and consider areas for priority work that it sees. Dr. Vu is planning to discuss policies and procedures issues at a special non-FACA meeting of the Executive Committee to be scheduled for some time in August. The Staff Office is also planning the first of a series of stakeholders meetings to talk about Policies and Procedures. This meeting is being planned for September, and tentative plans are to include representatives of professional associations, environmental and public health groups, associations, and the groups on the initial inquiry list of the PPS. The first meeting would provide an opportunity to distribute the *Overview* document developed with the PPS.

The PPS asked for an update on all these activities prior to the next meeting of the Executive Committee.

Discussion of Next Steps. The Chair discussed the need for designing a process to assess the benefits and costs, in paperwork in time, of the new panel formation process. Other Subcommittee members agreed on the need for some metrics. The Chair asked the DFO to draft a questionnaire for review in late August/early September.

The Subcommittee then brainstormed possible topics/questions:

1. Was it helpful to get public comments from the Widecast to Short list phase.
2. What was the staff time invested?
3. Now that charges are due 90-days before a panel meets, does that result in stronger charges?
4. Does the new panel formation process give the SAB Staff information on panelists that it otherwise would not had that made a difference?
5. Are candidates unwilling to complete the new conflict of interest form?
6. Is the Board identifying viable new candidates?
7. How many comments are received on the short list?
8. Is the public using the panel formation part of the SAB website? How many hits are there on the widecast announcement? The Short List?

Another panel member asked for a status on the email list of professional association contacts to be used for general information and when a panel is being formed. The DFO reported that the list has not been fully collated or made available to DFOs in an easily accessed fashion. The PPS suggested that this should be a priority for the Staff.

Action items:

1. SAB Staff to produce the final version of the *Overview* document.

2. Schedule a planning meeting for the PPS before the next Executive Committee Meeting
3. Send a copy of the minutes to the American Chemistry Council
4. DFO to draft and send an assessment/evaluation protocol for the 90-day process to the PPS for review.

At 12:00 p.m., Dr. Anderson adjourned the teleconference.

Respectfully Submitted:

/s/

Dr. Angela Nugent, Designated Federal Official

Certified as True:

/s/

Dr. Henry Anderson, Chair

NOTE AND DISCLAIMER: The minutes of this public meeting reflect diverse ideas and suggestions offered by the Panel members during the course of deliberations within the meeting. Such ideas, suggestions and deliberations do not necessarily reflect definitive consensus advice from the Panel Members. The reader is cautioned to not rely on the minutes to represent final, approved, consensus advice and recommendations offered to the Agency. Such advice and recommendations may be found in the final advisories, commentaries, letters, or reports prepared and transmitted to the EPA Administrator following the public meetings.